



CNR: KAHC010359492024

NC: 2026:KHC:52950
CRL.P No. 7720 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7720 OF 2024

BETWEEN:

KUMAR NAIK L
S/O LATE LACCHA NAYAKA
AGED ABOUT 58 YEARS
R/AT NO.38
SRI BHAVANI KRUPA
2ND CROSS WEST,
TUNGANAGARA
BENGALURU-560 091

...PETITIONER

(BY SMT. POOJA KATTIMANI, ADVOCATE FOR
SRI. MONESH KUMAR K RAO, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH KAMAKSHIPALYA POLICE STATION
BENGALURU CITY POLICE
REP BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE 560001
2. MAHAMMED ZUBER
S/O ABDUL RAHIM
AGED 27 YEARS
R/AT HOSTEL
SOUTH EAST ASIAN COLLEGE OF
NURSING, EKTA NAGAR
BASAVANAPURA, K.R PURAM

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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BENGALURU-560 049

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
R2-SERVED, UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 07.09.2021 THE FIR DATED 07.09.2021 IN CR.NO.104/2021 THE CHARGE SHEET DATED 21.03.2022 FOR OFFENCE P/US/ 279,304-A OF IPC R/W SEC.115,177 OF IMV ACT AND SET ASIDE THE ORDER TAKING COGNIZANCE DATED 29.12.2023 AND THE REGISTRATION OF THE CRIMINAL CASE IN C.C.NO.11591/2023 FOR OFFENCE P/US/ 279,304-A OF IPC R/W SEC.115,117 OF IMV ACT PENDING ON THE FILE OF THE COURT OF THE METROPOLITAN MAGISTRATE TRAFFIC COURT II BENGALURU.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C. seeking to quash C.C.No.11591/2023 (arising out of Crime No.014/2021 registered by the 1st respondent - police) against the petitioner for the offences punishable under Sections 279, 304A of IPC read with Sections 115 & 177 of IMV Act, pending



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on the file of the learned Metropolitan Magistrate Traffic Court-II, Bengaluru.

2. The factual matrix of the case is that, respondent No.2 - Mahammed Zuber alleged that he received a phone call from Mansoor Khurshid's mobile phone on 06.09.2021 around 9.30 p.m. and was informed that Mansoor Khurshid, who was the relative of respondent No.2 and who was handicap, had met with an accident and while shifting him to R.R.Hospital, he succumbed to the injuries sustained in the said accident. Thereafter, respondent No.2 went to the hospital and from there, along with some other persons, he went to the accident spot, where he found that the motorcycle of Mansoor Khurshid bearing registration No.KA51 HM 1683 fallen on the road and learnt that on 06.09.2019 around 8.45 p.m., since the road was dug up for laying pipes and was left uncovered without any precaution note, the motorcycle of Mansoor Khurshid got skid, causing serious injuries to Mansoor Khurshid. As a result of which, he succumbed to the injuries. Accordingly, respondent No.2 being the relative of said Mansoor Khurshid lodged a complaint before respondent No.1 - police against the



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petitioner, who was the Engineer entrusted of the work of laying pipeline from BWSSB, based on which, FIR in Crime No.104/2021 was registered and after investigation, the police laid charge sheet against the petitioner for the aforesaid offences in C.C.No.11591/2023. Aggrieved by which, the petitioner is before this Court seeking quashing of said proceedings.

3. Heard the learned counsel for the petitioner and the learned HCGP. Though notice was served to respondent No.2, he remained unrepresented.

4. Learned counsel for the petitioner would primarily contend that as on the date of accident, the petitioner was working as the Additional Chief Engineer of BWSSB. Further, the record reveals that the petitioner was not at all responsible for the work undertaken in the road, where the accident took place. According to learned counsel, the work order was issued by BWSSB on 14.08.2019 for laying and linking 300 MM Dia RCC NP 3 pipeline and the work was completed on 12.11.2019 and even the GIC certificate for completion of work was issued on 16.11.2019. Further, the defect liability period has also been



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completed as on 10.11.2020. As such, since the accident has taken place on 06.09.2021 i.e., almost after 10 months, the petitioner cannot be held responsible for the accident. He would also contend that the offences alleged against the petitioner in the charge sheet do not attract the ingredients of Sections 279, 304A of IPC read with Section 115 and 117 of Indian Motor Vehicles Act. Accordingly, he would pray for allowing the petition.

5. *Per contra*, learned High Court Government Pleader would contend that as on the date of accident, the work was not completed by BWSSB and there was a pothole in the road, which was left uncovered. As a result of which, the accident occurred and Mansoor Khurshid, who was a handicap person and who was riding three wheeler motorcycle, sustained injuries and succumbed to the same. Since the work was not completed, the petitioner, being the engineer entrusted with completion of work on the said road, is solely responsible for the said incident. He would also contend that now that the charge sheet has been filed against the petitioner and statements of material witnesses also disclose that the



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petitioner was the authorised person in-charge of completion of said work of pipeline, the proceedings against the petitioner cannot be quashed. Accordingly, he would pray for dismissal of the petition.

6. I have given my anxious consideration to the submissions of learned counsel for the petitioner as well as learned HCGP and perused the material on record.

7. As could be gathered from records, as per the description of event submitted by the petitioner, it is seen that on 14.08.2019, the work order was issued for laying and linking 300 MM Dia RCC NP 3 pipeline and the said work was completed on 12.11.2019. Further, the GIC Certificate was also issued for completion of work and even the defect liability period has also been completed on 10.11.2020. This description of event is not seriously disputed by the learned HCGP. Admittedly, as on the date of accident, the petitioner was working as Additional Chief Engineer in BWSSB and no way connected to the maintenance of road on which the incident in question took place. No doubt, the accident was caused due to pothole on the road, nevertheless, the charge sheet reveals



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that the police filed abated charge sheet against the deceased alleging that the deceased rode the three wheeler in a wrong direction and fell on the pothole, due to the same the accident was caused. In such circumstances, when the work assigned to the petitioner was completed in the year 2019 itself and defect liability period has also been completed on 10.11.2020 and admittedly, when the accident occurred on 06.09.2021 i.e., nearly after 10 months, the petitioner cannot be held responsible for the defect in the road. As could be seen from records, the road on which the accident occurred was a tar road and pothole on the tar road, obviously, for a different reasons. As such, the petitioner cannot be vicariously held liable only because in the year 2019 the work of laying pipeline was entrusted to him as he was the Engineer of BWSSB. Hence, in my considered view, continuation of proceedings against the petitioner would be nothing but abuse of process of Court. Accordingly, the proceedings in C.C.No.11591/2023 (arising out of Crime No.014/2021 registered by the 1st respondent - police) against the petitioner for the offences punishable under Sections 279, 304A of IPC read with Sections 115 & 177 of IMV



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Act, pending on the file of the learned Metropolitan Magistrate
Traffic Court-II, Bengaluru, are quashed.

Accordingly, the petition is ***allowed.***

**SD/-
(RAJESH RAI K)
JUDGE**

PKS
List No.: 1 Sl No.: 35